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8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-623

13 **TINA MARIE BEHRENS**  
3374 Daley Center Drive, Unit 1714  
14 San Diego, CA 92123

**A C C U S A T I O N**

15 **Registered Nurse License No. 766111**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On January 27, 2010, the Board of Registered Nursing issued Registered Nurse  
24 License Number 766111 to Tina Marie Behrens (Respondent). The Registered Nurse License  
25 was in full force and effect at all times relevant to the charges brought herein and expired on  
26 October 31, 2011, and has not been renewed.

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1 **CAUSE FOR DISCIPLINE**

2 **(Out of State Discipline)**

3 8. Respondent has subjected her Registered Nurse License to disciplinary action  
4 under Code section 2761, subdivision (a)(4), in that her Wisconsin registered nurse license was  
5 disciplined by the State of Wisconsin Board Of Nursing (Wisconsin Board) in a disciplinary  
6 action, which resulted in Respondent being REPRIMANDED, and her license to practice nursing  
7 in the State of Wisconsin and her privilege to practice pursuant to the Multi-State Nurse  
8 Licensure Compact, LIMITED. The circumstances are as follows.

9 9. On March 20, 2007, Respondent was granted License No. 157750 to practice as a  
10 registered nurse in the State of Wisconsin.

11 10. On June 3, 2010, pursuant to Wisconsin Statutes section 441.07, the Wisconsin  
12 Board took disciplinary action against Respondent's registered nurse license in a matter entitled,  
13 *In the Matter of Disciplinary Proceedings Against Tina M. Behrens, R.N., Respondent* Final  
14 Decision and Order No. 0000223, Division of Enforcement Case No. 10NUR078, by accepting  
15 the terms and conditions stipulated by the Division of Enforcement, Department of Regulation  
16 and Licensing (Department) and concurred with by Respondent. The Wisconsin Board found  
17 Respondent to have committed unprofessional conduct as defined by Wisconsin Administrative  
18 Code section N 7.04, subdivision (1) and has subjected her professional license to discipline  
19 under Wisconsin Statute section 441.07, subdivision (1)(d). Pursuant to Wisconsin Statute  
20 section 227.44, subdivision (5), the Wisconsin Board ordered Respondent to:

21 a. Submit a sample of her blood, urine, breath, and/or hair to the Board or its  
22 designee, or the Department, or an investigator thereof, within one year from the date of order;

23 b. Not practice in another state pursuant to the Nurse Licensure Compact  
24 under the authority of her Wisconsin license, unless she receives prior authorization to do so  
25 from the Wisconsin Board and the regulatory board in the other state during pendency of the  
26 order and any subsequent related orders;

27 c. Pay the Department the costs of the proceeding pursuant to Wisconsin  
28 Statutes section 440.22, subdivision (2);

1 d. Mail, send by facsimile, or deliver to Department Monitor any payments,  
2 reports, and other correspondence;

3 e. Not violate any terms of the order, which could subject Respondent's  
4 license to additional conditions and limitations or summary suspension.

5 11. The facts that led to the discipline are as follows. In February 2010, Respondent  
6 submitted to a pre-employment drug test in relation to a nursing position offered in San Diego,  
7 California. Respondent tested positive for marijuana, a schedule I controlled substance pursuant  
8 to Wisconsin Statutes section 961.14, subdivision (4)(t). Respondent did not receive the  
9 marijuana from a practitioner and her possession of the controlled substance was in violation of  
10 Wisconsin Statutes section 961.41, subdivision (3g)(e), a law substantially related to the practice  
11 of nursing.

12 **PRAYER**

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
14 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

15 1. Revoking or suspending Registered Nurse License Number 766111, issued to  
16 Tina Marie Behrens;

17 2. Ordering Tina Marie Behrens to pay the Board of Registered Nursing the  
18 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
19 Professions Code section 125.3;

20 3. Taking such other and further action as deemed necessary and proper.  
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24 DATED: *February 19, 2013* *Tina Marie Behrens*

*for* LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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